

## UNITED STATES DISTRICT COURT

Southern District of New York

HUGH JOHN TULLY and PENELOPE CAROL TULLY,  
on Behalf of Themselves and All Others  
Similarly Situated,

V.

THE CHARLES SCHWAB CORPORATION,  
SCHWAB INVESTMENTS, CHARLES  
SCHWAB & CO. INC., CHARLES  
SCHWAB INVESTMENT MANAGEMENT,  
INC., CHARLES R. SCHWAB, EVELYN  
DILSAVER, RANDALL W. MERK, and  
GEORGE PEREIRA

TO: (Name and address of Defendant)

THE CHARLES SCHWAB CORPORATION, SCHWAB INVESTMENTS, CHARLES SCHWAB & CO.  
INC., CHARLES SCHWAB INVESTMENT MANAGEMENT, INC., CHARLES R. SCHWAB,  
EVELYN DILSAVER, RANDALL W. MERK, and GEORGE PEREIRA  
101 Montgomery Street,  
San Francisco, CA 94104

## SUMMONS IN A CIVIL ACTION

CAUSE NUMBER

08 CV 3652

JUDGE JONES

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Daniel W. Krasner, Robert B. Weintraub  
WOLF HALDENSTEIN ADLER FREEMAN & HERZ LLP  
270 Madison Avenue  
New York, New York 10016

an answer to the complaint which is served on you with this summons, within thirty (30) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

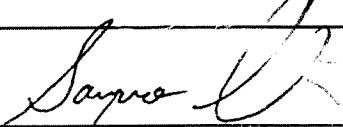
J. MICHAEL McMAHON

APR 16 2008

CLERK

DATE

(By) DEPUTY CLERK



## RETURN OF SERVICE

|  |                             |         |
|--|-----------------------------|---------|
| Service of the Summons and complaint was made by me <sup>(1)</sup> | DATE                        | 4/18/08 |
| NAME OF SERVER (PRINT)   | TITLE                       |         |
| Robert B. Weindraub  | Of Counsel Wolf Haldenstein |         |
| Check one box below to indicate appropriate method of service      |                             |         |

Served personally upon the defendant. Place where served: *luring to written  
agreement with Morrison & Foerster*

Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

Returned unexecuted:

Other (specify):

## STATEMENT OF SERVICE FEES

| TRAVEL | SERVICES | TOTAL |
|--------|----------|-------|
|        |          | —     |

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 4/28/08

Date

Signature of Server

*Robert B. Weindraub*  
Wolf Haldenstein for plaintiffs  
270 Madison Ave N.Y.C. 10016.

Address of Server

by Stuart C. Plunkett, Esq., Counsel  
for all defendants other than Schwab  
Investments, service was effected by  
e-mail and constituted good service as of  
April 18, 2008. See attached email from  
defendants' counsel. Robert B. Weindraub 4/28/08

2008.04.28 11:30 AM JM.L

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.